

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7540

Petition of Vermont Department of Public Service for an )  
investigation and for an order directing Telephone )  
Operating Company of Vermont LLC, d/b/a FairPoint )  
Communications, to show cause why its Certificate of )  
Public Good should not be revoked )

Order entered: 12/7/2009

**ORDER EXTENDING SCHEDULES**

On December 3, 2009, Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications ("FairPoint" or the "Company"), filed a Motion to Extend the Schedule in this Docket.<sup>1</sup> FairPoint asks that we extend the schedule for an additional twenty days and specify that "no mandatory filing, discovery, scheduling, and/or appearance requirements and deadlines be established for effect prior to December 23, 2009." This extension would apply to the testimony that FairPoint is required to file by December 3. FairPoint also requests that we extend — until January 5, 2010 — the December 8, 2009, deadline for it and other parties to file proposed alterations to the schedule based upon the earlier extension of time. As it did in its previous extension requests, FairPoint says that this request is made "in light of" the Company's filing for voluntary reorganization under Chapter 11 of the U.S. Bankruptcy Code. FairPoint's rationale for the request is "that a further extension is necessary to allow FairPoint and its bankruptcy counsel to continue and focus on negotiations with the Department of Public Service ("Department") and their bankruptcy counsel that are being conducted for the purpose of reaching a consensual settlement of a variety of issues following FairPoint's Chapter 11 filing with the Bankruptcy Court." FairPoint represents that it has conferred with the Department regarding its request.

On December 3, 2009, the Department informed the Board by letter that it supports FairPoint's extension request. In its letter, the Department confirmed that it has been participating in negotiations with FairPoint and FairPoint's bankruptcy counsel in an effort to

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1. This is FairPoint's third request for an extension of time in recent days. On November 12, 2009, FairPoint asked for a similar extension for a period of twenty days (to December 3). We granted this request and issued an Order explaining our decision on November 13, 2009.

reach a consensual settlement, and that the requested twenty-day extension will allow time for those negotiations to continue. Should a settlement be reached, the Department states that the proposed plan will be filed with the Board and that a new docket will be opened to address the filing. In the event that the Department and FairPoint are unable to reach a settlement within the twenty-day time frame, the Department states that it will promptly notify the Board.

We granted FairPoint's motion to extend the schedule in this proceeding by twenty days on December 3, 2009, and confirm the ruling in this Order. In addition, we extend the December 8, 2009, deadline for FairPoint to file a proposed new schedule until January 5, 2010. In granting this request, we are relying upon the Department's and FairPoint's representations that the extension of time is necessary in order for them to complete negotiations towards a consensual settlement.

We advise the parties that the Board will proceed with the public hearing on December 9, 2009.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 7<sup>th</sup> day of December, 2009.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: December 7, 2009

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*